

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 3, 9, and 10 are now in the application. Claims 1 has been amended. Claims 2 and 5-8 are being cancelled herewith. Claim 4 was previously cancelled. Claim 10 is being added. Support for claim 10 can be found in Fig. 2 and on the last three lines of page 5 to page 6, line 5. No new matter has been added.

In item 5 on page 2 of the Office action, claims 1-3 and 5-9 have been rejected as being fully anticipated by Bürger (U.S. Patent No. 5,426, under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in the last paragraph on page 5 and lines 1-13 on page 6 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a nozzle body formed of insulating material untreated by radiation, the nozzle body having a channel formed therein, the channel having a surface, a mixture of first granules and second granules disposed on the surface and defining a portion of the channel, the first granules having the characteristics of having been treated with radiation, the second granules having the characteristics of being untreated by radiation.

Bürger discloses to form a porous PTFE. Part of the PTFE is exposed to radiation and mixed with PTFE.

Bürger discloses that a pressed shaped body is formed of the PTFE elements (column 4, lines 20-25).

Accordingly, Bürger discloses to produce a mixture of irradiated and non-irradiated PTFE portions and to produce a shaped body from the mixture. The shaped body is entirely formed of the mixture. Therefore, Bürger discloses a shaped body that has the same electrical conductivity on all surface areas and throughout the entire body. Bürger does not disclose a nozzle body having a channel formed therein, where a surface of the channel has a mixture of first granules and

second granules disposed on the surface and defining a portion of the channel, the first granules having the characteristics of having been treated with radiation, the second granules having the characteristics of being untreated by radiation.

The reference does not show a nozzle body formed of insulating material untreated by radiation, the nozzle body having a channel formed therein, the channel having a surface, a mixture of first granules and second granules, disposed on the surface and defining a portion of the channel, the first granules having the characteristics of having been treated with radiation, the second granules having the characteristics of being untreated by radiation, as recited in claim 1 of the instant application. Bürger discloses to produce a mixture of irradiated and non-irradiated PTFE portions and to produce a shaped body from the mixture. Bürger does not disclose a nozzle body with a channel formed therein and a mixture of granules treated by radiation and second granules untreated by radiation disposed on the surface and defining a portion of the channel. This is contrary to the present invention as claimed, in which a nozzle body is formed of insulating material untreated by radiation, the nozzle body has a channel formed therein, the channel has a surface, a mixture of first granules and second granules is disposed on the surface and defines a portion of the channel, the first granules have the

characteristics of having been treated with radiation, the second granules have the characteristics of being untreated by radiation.

Since claim 1 is allowable over Bürger, dependent claims 3, 9, and 10 are allowable over Bürger as well.

In item 5 on page 4 of the above-identified Office action, claims 1-3 and 9 have been rejected as being fully anticipated by Zielke (WO 99/65128) under 35 U.S.C. § 102 or in the alternative as obvious over Zielke (WO 99/65128) under 35 U.S.C. §103.

It is once again noted that the corporate assignee of the Zielke reference is also the assignee of the instant application. Furthermore, Mr. Zielke is the sole inventor of the reference and the instant application. Therefore, applicant is very familiar with the Zielke reference.

It is noted that the remarks made with respect to the Zielke reference in the previous responses are still valid and are incorporated herein by reference in their entirety.

On pages 4-5 of the Office action the Examiner alleges that "the Examiner notes the following product-by-process

limitation: the requirement in applicant's claims 1 that the part is made from mixing first and second granules, wherein said first granules have an increased electrical conductivity."

It is respectfully noted that the Examiner's allegation is in error. Particularly, the limitation is in no way a product-by-process limitation. Specifically, the claim recites that the insulating piece is a mixture of first granules and second granules. This is explicitly shown in Fig. 1 of the instant application which designates the treated subvolumes 3 and the untreated subvolumes 4. Claim 1 does not recite a mixing of first granules and second granules. Claim 1 only recites a mixture of the first granules and second granules. A mixture is a physical property and not a process step. Therefore, claim 1 does not recite a product-by-process limitation.

Additionally, the Examiner relies on a definition of the word "mixture" being "a product of mixing". The definition provided by the Examiner supports the fact that the mixture is not a product-by-process limitation. More specifically, a mixture is a product and therefore, if given two different mixtures each having different components, the "products of mixing" (i.e. the mixtures) would necessarily be structurally different from one another. This is further supported by the

fact that there are tens of thousands of issued U.S. Patents which recite a "mixture" in product claims. Therefore, the definition of "mixture" supplied by the Examiner does nothing to support the Examiner's position. Accordingly, as seen from the above-given remarks, it is respectfully noted that the Examiner's allegation with respect to a process-by-product limitation, is not accurate.

Furthermore, because claim 1 is not a product-by-process limitation, it is respectfully noted that the Examiner's further allegations pertaining to product-by-process limitations (especially those allegations made in the second paragraph on page 5 of the Office action), are not applicable to the product claims of the instant application.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The reference does not show or suggest a nozzle body formed of insulating material untreated by radiation, the nozzle body having a channel formed therein, the channel having a surface, a mixture of first granules and second granules, disposed on the surface and defining a portion of the channel, the first granules having the characteristics of having been treated

with radiation, the second granules having the characteristics of being untreated by radiation, as recited in claim 1 of the instant application. The Zielke reference discloses that surface areas of an insulating material are treated with radiation. Zielke does not disclose a nozzle body with a channel formed therein and a mixture of granules treated by radiation and second granules untreated by radiation disposed on the surface and defining a portion of the channel. This is contrary to the present invention as claimed, in which a nozzle body is formed of insulating material untreated by radiation, the nozzle body has a channel formed therein, the channel has a surface, a mixture of first granules and second granules is disposed on the surface and defines a portion of the channel, the first granules have the characteristics of having been treated with radiation, the second granules have the characteristics of being untreated by radiation.

The reference applied by the Examiner does not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

As seen from the above-given remarks, claim 1 is allowable over Zielke. Since claim 1 is allowable over Zielke,

dependent claims 3, 9, and 10 are allowable over Zielke as well.

In item 7 on page 8 of the Office action, claims 1-3 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of Zielke (U.S. Patent No. 6,627,831).

As noted above, claim 1 has been amended to recite a nozzle body having a channel with a surface. Accordingly, claim 1 is patentably distinct from one another. Therefore, the double-patenting rejection has been overcome.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1, 3, 9, and 10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone



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call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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